

REMARKS

Applicant respectfully requests reconsideration in view of the foregoing amendments and the remarks hereinbelow.

In the Final Office Action dated June 16, 2004, the following rejections were made:

Claim 1: Rejected under 35 U.S.C. 112, first paragraph, as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention;

Claims 1-4, and 6-15: Rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of U.S. Patent EP 0899680 to J-Luo with U.S. Patent 5,892,837 to Luo; and

Claim 5: Rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of U.S. Patent EP 0899680 to J-Luo in view of U.S. Patent 5,892,837 to Luo, and further in view of Bortolussi et al. U.S. Patent 6,292,575.

Claim 4

Reconsideration of the Examiner's objection to Claim 4 under 35 U.S.C. 112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended Claim 4 to depend from Claim 3, which provides the necessary antecedent basis of "an oval region" to which "the oval region" of Claim 4 refers.

Claims 1-4, 6-15

Reconsideration of the Examiner's rejection of Claims 1-4, 6-15 under 35 U.S.C. 103(a) as being unpatentable over the combination of U.S. Patent EP 0899680 to J-Luo with U.S. Patent 5,892,837 to Luo is respectfully requested.

Claim 1 has been amended to recite that the present invention provides a "detecting human iris color pixels in the skin colored region irrespective of the brightness of the skin colored region" It is respectfully noted, however, that this amendment is for the purpose of clarification, instead of further limitation. This is true, because, although Luo may detect the redeye defect in a digital image, the detection is based not on the ability to detect iris color pixels in the skin colored region, but on the ability to detect the intensity difference occurring in a redeye defect condition.

- Neither J-Luo nor Luo, both of which have common inventorship to the present invention, provides the ability to determine human iris color pixels in the skin colored region. In particular, J-Luo teaches a method to create a valley map by taking the difference between a morphologically closed image and itself (See, Page 5, Lines 25-28). Luo, on the other hand, has to do with an efficient method of locating objects in an image as a function of their orientation, having nothing to do with the determination of either intensity or coloration (Col. 1, Lines 12-68). As such, the combination of J-Luo and Luo does not disclose all of the elements of Claim 1. Claim 1, therefore, is patentable over the combination of J-Luo in view of Luo.

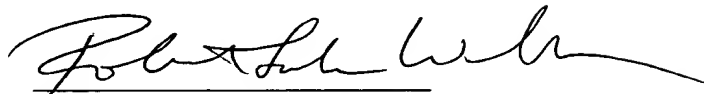
Claims 2-4, and 6-15 depend either directly or ultimately from Claim 1. Applicant has already addressed the novel aspects that overcome the rejection of Claim 1, and hence the reasons for patentability thereof. It is, thus, respectfully submitted that Claims 2-4, and 6-15 are likewise patentable.

Claim 5.

Reconsideration of the Examiner's rejection of Claims 5 under 35 U.S.C. 103(a) as being unpatentable over the combination of U.S. Patent EP 0899680 to J-Luo in view of U.S. Patent 5,892,837 to Luo, and further in view of Bortolussi et al. U.S. Patent 6,292,575. Applicant has already explained the basis for the combination of J-Luo and Luo not disclosing all of the limitations of Claim 1. Bortolussi describes a "Real-Time Facial Recognition And Verification System" which acquires, processes, and compares an image with a stored image to determine if a match exists. Nowhere in Bortolussi does there appear the capability of detecting human iris color pixels in the skin colored region irrespective of the brightness of the skin colored region, as recited by Claim 1. Accordingly, the combination of J-Luo in view of Luo and further in view of Bortolussi fails to disclose all of the elements of Claim 1. Since, even in light of Bortolussi, Claim 1 is patentable, and Claim 5 depends directly from Claim 1, Claim 5 is likewise patentable.

It is respectfully submitted, therefore, that in view of the above amendments and remarks, that this application is now in condition for allowance, prompt notice of which is earnestly solicited.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Robert Luke Walker", written over a horizontal line.

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